

# **CHESTERFIELD CIRCUIT COURT CLERK'S OFFICE**

Court File #\_\_\_\_\_ - \_\_\_\_\_

## **INSTRUCTIONS FOR EXECUTORS AND ADMINISTRATORS**

*Questions or additional information about your duties should be directed to the Commissioner of Accounts, a certified public accountant, or an attorney.*

### ☐ **GENERAL DUTIES/INFORMATION**

- Take possession of all the deceased's assets. If the decedent had bank accounts, close them and deposit the funds into an interest bearing **estate account** bearing your name as Executor or Administrator. Keep these funds separate from your own funds. You may need to obtain a federal tax identification number to open the estate account. Contact the **Internal Revenue Service** to obtain the number.
- Check with all financial institutions with which the decedent conducted business to determine whether there are still accounts or safe deposit boxes in the decedent's name.
- You may sell real estate **only** if the decedent's Will granted you the power to sell real estate. If there was no Will, the decedent's real estate passed at death to the heirs. In this case, **only** the heirs are able to sell the decedent's real estate.
- If you are unable to pay the debts of the estate from the estate assets, contact the Commissioner of Accounts to determine which debts should be paid first **before paying any creditors. Failure to do so may result in you being personally liable for the decedent's debts.**
- You are responsible for filing both federal and state income **tax returns** for the decedent, including those due for the year of death. You may also be required to file gift tax returns for the decedent.
- A **Federal Estate Tax Return and a Virginia Estate Tax Return** will need to be filed if the estate assets are of a certain amount. Consult a tax authority to determine your obligation to file these two tax returns.
- Keep a record of all receipts and disbursements from the decedent's funds. Keep the original of all bills paid and promissory notes satisfied.

☐ **PROVIDING NOTICE OF QUALIFICATION OR PROBATE**

Timeframe: 30 days to send Notice  
Use form CC-1616

# of Notices \_\_\_\_\_

- Once you have qualified as Executor or Administrator, or probated a Will, Virginia law requires that you provide notice of your qualification or probate to the spouse, heirs and, if the decedent died testate (i.e., with a Will), to the beneficiaries of bequests of more than \$5,000.
- You must provide this notice within 30 days from the date you qualified or probated the Will. This form, "Notice Regarding the Estate of \_\_\_\_\_" may be hand delivered or mailed.

☐ **RECORDING AFFIDAVIT OF NOTICE**

Timeframe: 4 months  
Use form CC-1617

- After you have provided notice to all heirs or even if you are not required to give notice, you must complete the form "Affidavit of Notice Regarding the Estate of \_\_\_\_\_" and have your signature properly notarized (most banks have notaries). Once it is notarized, mail it back to the Chesterfield Circuit Court Clerk's Office with a **\$16.00 recording fee payable to Chesterfield Circuit Court**. **This affidavit must be returned within 4 months of the date you qualified or probated the Will.** (Note: It is suggested that you mail the Affidavit as soon as possible after giving notice to ensure its timely return and recordation.)

☐ **INVENTORY FOR DECEDENT'S ESTATE**

Timeframe: 4 months  
Use forms CC-1670 and CC-1670 (INST)

- **Within four months after you qualify** as an Executor or Administrator, you must file a formal Inventory of the decedent's assets if the value of the estate is greater than \$15,000.00. (See the "Inventory for Decedent's Estate" form CC-1670 that you received during your probate appointment at the Chesterfield Circuit Court Clerk's Office.)
- When completing the inventory form, list all of the decedent's assets and the approximate value of each. In the case of real estate, determine the assessed value by looking at the last tax bill. Household items such as jewelry, clothes and furniture, etc., do not need to be listed separately.
- Use the **decedent's full name** and, if he/she used an alias, also **include the alias on the Inventory**. The Court file number should be listed on the top of the form.

- Once the Inventory is complete, mail the original and one copy of the Inventory, a ***copy of the Will and Codicil, if applicable***, and a check in the amount of **\$66.00 payable to Oliver D. Rudy, Commissioner of Accounts**. The mailing address is: **P.O. Box 58, Chesterfield, Virginia, 23832**. Retain a copy of the Inventory for your records. If you have received a written request from any entitled person, you must mail a copy of the Inventory to such person at the time you file it with the Commissioner.
- The Commissioner of Accounts is an attorney commissioned by the Circuit Court Judges to oversee the actions of executors and administrators. He is responsible for reviewing and approving inventories and accountings. After approval, he forwards these documents to the Clerk's Office for recordation.

## ☐ **ACCOUNTING FOR DECEDENT'S ESTATE**

Timeframe: 16 months

Use forms CC-1680, CC-1680 (INST) and CC-1680 (SAMP)

- **No later than sixteen months after qualification** as Executor or Administrator, you must file an accounting of all receipts and disbursements. (See the "Account for Decedent's Estate" form CC-1680 that you received during your probate appointment at the Chesterfield Circuit Court Clerk's Office.)
- When filling out the Account form, be sure to indicate the type of accounting (e.g. first, annual or final), and the period of time included. Keep in mind that there can be no balance on hand in a final accounting.
- If the first accounting you complete is not the final accounting, an additional accounting must be filed annually until all the estate assets are distributed and a final accounting is filed with the Commissioner of Accounts. **(Note: Before making the final distribution of estate assets, contact the Commissioner of Accounts to determine his final fee.)**
- The original and one copy of the Accounting (and a copy of the Will and Codicil, if applicable, if you did not forward them when you sent the Inventory) should be submitted to the Commissioner of Accounts along with cancelled checks, vouchers, etc. If you have received a written request from any entitled person, you must mail a copy of the Accounting at the time you file it with the Commissioner.
- Mr. Rudy, the Commissioner of Accounts, is not an employee of the Circuit Court or the Clerk's Office and is compensated for his services by directly charging a fee to each estate. **Once the Accounting is received, Mr. Rudy will mail you a statement for his services.**



**STATEMENT IN LIEU OF SETTLEMENT OF ACCOUNT FOR DECEDENT'S ESTATE PURSUANT TO VIRGINIA CODE § 26-20.1**

Timeframe: **No sooner than 6 months from the date of qualification**  
Use form CC-1681

- If the Executors or the Administrators are the same people who receive the assets of the estate under the decedent's Will or by law, in certain circumstances a statement under oath may be filed with the Commissioner of Accounts in lieu of a formal accounting. All known debts of the estate must have been paid. This will have the effect of "closing" the estate.
- If you think this applies to you, please contact Mr. Rudy and inform him that you would like to file a "statement in lieu of a formal accounting." ***At that time, Mr. Rudy will advise of the filing process and applicable fee.***

**GUIDELINES FOR RECORDED INSTRUMENTS**

When submitting estate documents for recordation in the Chesterfield Circuit Court (e.g., inventory, accounting, statement in lieu of accounting, affidavit of notice, etc.) please use the following guidelines to ensure that your documents are legible. Make sure you use the decedent's full name and if he/she used an alias, also include the alias on the Account form. The Court file number should be listed on the top of the form. We encourage you to use the forms that were provided during the probate appointment as they meet the recordation guidelines listed below. If you prepare your *own version* of estate documents to be recorded, it is important that the guidelines listed below be followed. Documents that do not meet these guidelines may be returned. *Please note that these guidelines do not apply to Wills and Codicils.*

- ***Submit the ORIGINAL document, which has been properly notarized, if required***
- ***Use white paper, 8 ½" x 11" or 8 ½" x 14"***
- ***Use a minimum one inch margin on the left, top and bottom; use at least ½ inch on the right margin***
- ***Use black or dark blue ink***
- ***Type size should be elite (12 characters per inch) or pica (10 characters per inch) or larger***
- ***If hand-writing, please print legibly***
- ***A minimum paper weight of 20 pounds is required***
- ***Carbon copies are not acceptable***
- ***DO NOT USE ANY SHADING or HIGHLIGHTING***

## ☐ **CLOSING THE ESTATE**

- Creditors generally have up to one year after an Executor or Administrator is qualified to make claims against the assets of the estate. There are instances, however, in which the time period for filing claims may be extended. If you are not sure which situation is applicable, you should contact your attorney or the Commissioner of Accounts. When you are ready to close an estate, you will need to file a final accounting or a statement in lieu of an accounting (see above).
- Keep in mind that **BEFORE** you close the estate, you must have completed handling all assets of the estate. **This includes transferring any stocks, etc.**
- After you are satisfied that all debts have been paid, you may contact Mr. Rudy to determine whether the estate can be closed earlier than one year.

## ☐ **CERTIFICATES OF QUALIFICATION**

- In carrying out your duties as Executor or Administrator, if additional certificates of qualification are needed, you may contact the Circuit Court Clerk's Office to request updated certificates. The fee for each certificate is **\$2.00**.
- Keep in mind that once the estate is **CLOSED**, additional certificates can not be issued without permission from the Commissioner of Accounts. Therefore, it is important to handle all assets before closing the estate. In some instances, if additional assets are located after the estate is closed, the Executor or Administrator must be re-qualified, post a new bond, and file a new Inventory and Accounting.
- If you are dealing with stocks, keep in mind that most stock companies require certificates of qualification to be dated within 60 days from the date the stocks are to be transferred.

## ☐ **INVENTORY FOR TRUSTEE**

Timeframe: 4 months

Use forms CC-1673 and CC-1673 (INST)

- **Within four months after the first date that any assets are received by you** as Trustee, you must file a formal Inventory of the trust assets. (See the "Inventory for Trust" form CC-1673 that you received during your probate appointment at the Chesterfield Circuit Court Clerk's Office.)

☐ **ACCOUNTING FOR TRUSTEE**

Timeframe: 12 months

Use forms CC-1684, CC-1684 (INST) and CC-1684 (SAMP)

- **The first account must cover the period beginning with the date of qualification and ending on December 31st of the same year. Second and subsequent accounts must cover the calendar year. All trust accounts are due by May 1st of the following year and no less frequently than annually thereafter.** (See the "Account for Trust" form CC-1684 that you received during your probate appointment at the Chesterfield Circuit Court Clerk's Office.)

**CONTACT INFORMATION**

**Questions about the duties of Executor(s) or Administrator(s), contact the office of Judy L. Worthington, Clerk, at:**

Chesterfield Circuit Court  
Probate Division  
P.O. Box 125  
Chesterfield, VA 23832  
Phone: (804) 748-1241  
Fax: (804) 717-6797  
E-Mail: [circuitcourtclerk@co.chesterfield.va.us](mailto:circuitcourtclerk@co.chesterfield.va.us)

**Questions on Inventories, Accountings, or the Statement in Lieu of Settlement, contact:**

Oliver D. Rudy, Commissioner of Accounts  
P.O. Box 58  
Chesterfield, VA 23832  
Phone: (804) 748-3600 (Assistant's name: Debbie Fountain)  
748-3744

**Forms for reporting are available on the web site maintained by the Supreme Court of Virginia at [www.courts.state.va.us](http://www.courts.state.va.us) and from the office of the Circuit Court Clerk.**

Rev. 1/2005